

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CR. NO. 17-20274

v.

HON. BERNARD A. FRIEDMAN

D-4 TAHERA SHAFIQ

D-5 FARIDA ARIF

D-7 HASEENA HALFAL

D-8 ZAINAB HARIYANAWALA

Defendants.

MOTION AND BRIEF FOR RETURN OF PERSONAL PROPERTY

NOW COMES the DEFENDANTS, TAHERA SHAFIQ, FARIDA ARIF, HASEENA HALFAL, and ZAINAB HARIYANAWALA, through their attorneys, and move this Honorable Court to order the return of personal property for the above-captioned individuals, to-wit, their telephones, for the reasons stated and authority cited herein:

1. On November 20, 2018, the Court dismissed Counts One through Six of the Third Superseding Indictment against the above-captioned individuals, accordingly, there are no federal criminal charges currently pending against them.

2. On March 20, 2019, this Court ordered the termination of pre-trial supervision for above-Defendants and the return to them of “*any and all personal belongings.*” (R 399 Pg ID 2)

Defendant Halfal

3. Undersigned contacted the government for the return of Haseena Halfal’s phone and the government declined the request.
4. On April 12, 2019, Counsel learned the Government will not be prosecuting an appeal on behalf of the Department of Justice.
5. The government’s ongoing possession of Defendant Halfal’s phone or any of the Defendants’ phones has no future evidentiary value to them.
6. As to Ms. Halfal, on April 10, 2017, a search warrant was executed at her home whereby she was required to submit her phone to agents during a “seizure.”
7. During discovery, Counsel received numerous reports relative to Ms. Halfal’s phone, dated June 7, 2017 (FBI Summaries of Text Messages), May 1, 2017 (HTML Report), and other reports and derivations, all dated 2017.
8. There is no reason to believe that the government is conducting additional review or testing on Ms. Halfal’s phone, nor do they claim to be.

9. Rather, there is good cause to return the phone to Ms. Halfal, including the fact that her case has been dismissed:

- a. on the memory card for that phone, are all of her kids and family photos and videos;
- b. those photos and videos are precious to Ms. Halfal;
- c. those photos and videos cannot be replaced or restored as they were all on that phone and SD card during family trips and other events;
- d. also, on the phone, are her notes related to her religious school; and,
- e. finally, she has her resume and other important working docs on the SD card.

10. Based upon the foregoing, this Honorable Court has the authority to Order the return of Defendant's personal property, specifically, the mobile phone.

WHEREFORE, DEFENDANTS, TAHERA SHAFIQ, FARIDA ARIF, HASEENA HALFAL, and ZAINAB HARIYANAWALA, respectfully request this Honorable Court to order the return of personal property for the above-captioned individuals, to-wit, their telephones, for the reasons stated and authority cited herein

Respectfully submitted,

/s/ Lisa L. Dwyer
LISA L. DWYER
Attorney for Haseena Halfal (D-7)

/s/ Jerome Sabbota
JEROME SABBOTA
Attorney for Tahera Shafiq (D-4)

/s/ Anjali Prasad
ANJALI PRASAD
Attorney for Farida Arif (D-5)

/s/ Patricia A. Maceroni
PATRICIA A. MACERONI
Attorney for Zainab Hariyanawala

Dated: April 15, 2019

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 17-cr-20274

Hon. Bernard A. Friedman

v.

D-4 TAHERA SHAFIQ,
D-5 FARIDA ARIF,
D-7 HASEENA HALFAL, and
D-8 ZAINAB HARIYANAWAL,

Defendants.

/

CERTIFICATE OF SERVICE

Lisa Dwyer (P 47961) hereby certifies that on April 15, 2019, I electronically filed the above-annexed pleading with the U.S. District Court, Eastern District of Michigan, Clerk of Court using the ECF/CM electronic filing system which will automatically send electronic notification of this filing to all attorneys of record for all parties.

Respectfully submitted,

/s/ Lisa Dwyer

LAW OFFICE OF LISA DWYER, PC

BY: LISA DWYER (P 47961)

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